



Rep. Ann Williams

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09800HB3038ham001

LRB098 07052 MRW 42691 a

1 AMENDMENT TO HOUSE BILL 3038

2 AMENDMENT NO. _____. Amend House Bill 3038 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 14-6 as follows:

6 (720 ILCS 5/14-6) (from Ch. 38, par. 14-6)

7 Sec. 14-6. Civil remedies to injured parties. (1) Any or
8 all parties to any conversation or electronic communication
9 upon which eavesdropping is practiced contrary to this Article
10 shall be entitled to the following remedies:

11 (a) To an injunction by the circuit court prohibiting
12 further eavesdropping by the eavesdropper and by or on behalf
13 of his principal, or either;

14 (b) To all actual damages against the eavesdropper or his
15 principal or both;

16 (c) To any punitive damages which may be awarded by the

1 court or by a jury;

2 (d) To all actual damages against any landlord, owner or
3 building operator, or any common carrier by wire who aids,
4 abets, or knowingly permits the eavesdropping concerned;

5 (e) To any punitive damages which may be awarded by the
6 court or by a jury against any landlord, owner or building
7 operator, or common carrier by wire who aids, abets, or
8 knowingly permits the eavesdropping concerned.

9 (2) No cause of action shall lie in any court against any
10 common carrier by wire or its officers, agents or employees for
11 providing information, assistance or facilities in accordance
12 with the terms of a court order entered under Article 108A of
13 the Code of Criminal Procedure of 1963.

14 (3) No civil claim, cause of action, or remedy shall lie
15 against a parent, step-parent, guardian, or grandparent for
16 eavesdropping of electronic communications through access to
17 their minor's electronic accounts during that parent,
18 step-parent, guardian, or grandparent's exercise of his or her
19 parental rights to supervise, monitor, and control the
20 activities of a minor in his or her care, custody, or control.
21 This provision does not diminish the protections given to
22 electronic accounts of a minor under any existing law other
23 than this Article.

24 (Source: P.A. 85-868.)".